

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

LISA AND RICHARD LEE, MARIA  
MANZANO, ARTHUR NAMES,  
ABRAHAM PESSAR, VINCENT AND  
JENNYFER VALDEPENA,

Plaintiffs,

vs.

JP MORGAN CHASE, N.A., a National  
Association; CHASE HOME FINANCE LLC,  
a Delaware Limited Liability Company; and  
DOES 1-10, inclusive,

Defendants.

Case No: C 10-3735 SBA

**ORDER**

Plaintiffs filed the instant action on August 23, 2010 against Defendants JP Morgan Chase N.A. and Chase Home Finance LLC. On February 1, 2011, after the case was reassigned to this Court, the Court scheduled a Case Management Conference for March 2, 2011. Dkt. 14. The Court's scheduling order directed Plaintiffs to file a joint case management conference statement at least ten days prior to the conference. Id. Plaintiffs failed to file a case management statement as previously directed. In addition, there is no indication in the record confirming that any of the defendants have been served with the summons and complaint.

Federal Rule of Civil Procedure 4(m) requires that service of process be effectuated on a defendant within 120 days after the filing of the complaint. This rule states:

If service of the summons and complaint is not made on a defendant within 120 days after the filing of the complaint, the court, upon motion or on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time; provided that if plaintiff shows good cause for the failure, the court shall extend the time for service for an appropriate period.

(Emphasis added). Although more than 120 days have passed since the Complaint, it appears that Plaintiff has yet to serve any of the defendants. Accordingly,

IT IS HEREBY ORDERED THAT:

1. Plaintiffs shall effect service on all defendants named in this action within forty-five (45) days of the date this Order is filed. Upon effectuating service, Plaintiffs shall file a certificate of service with the Court forthwith. Failure to serve defendants within the specified time-frame will result in the dismissal of the action, without prejudice, in accordance with Rule 4(m).

2. The telephonic Case Management Conference currently scheduled for March 2, 2011 is CONTINUED to **May 25, 2011 at 3:15 p.m.** Prior to the date scheduled for the conference, the parties shall meet and confer and prepare a joint Case Management Conference Statement. The joint statement shall be filed no later than ten (10) days prior to the conference and shall comply with the Standing Order for All Judges of the Northern District of California and the Standing Order of this Court. Plaintiffs shall be responsible for filing the statement as well as for arranging the conference call. All parties shall be on the line and shall call (510) 637-3559 at the above indicated date and time. Plaintiffs are warned that the failure to comply with this or any other court order or applicable procedural rule may result in the imposition of sanctions, up to and including dismissal of the action under Federal Rule of Civil Procedure 41(b).

3. Plaintiffs shall serve a copy of this Order on Defendants along with the summons and complaint.

IT IS SO ORDERED.

Dated: March 2, 2011

  
SAUNDRA BROWN ARMSTRONG  
United States District Judge